

### **DETAILED ACTION**

1. Claims 1-3, 5-13, 16, 28-30, 32 and 64-90 are pending in the instant application.

#### ***Election/Restrictions***

2. Claims 1-3, 5-13, 16, 28-30 and 64-66 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 67-77, directed to the process of making an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because the process of making claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement between Groups I and IV as set forth in the Office action mailed on September 12, 2007 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

#### ***Response to Amendment***

3. The claim amendments filed on October 21, 2008 have been fully considered. The 35 USC 112 1<sup>st</sup> paragraph rejection has been obviated and is thus hereby withdrawn.

#### ***Examiner's Amendment***

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Henry Gu on October 30, 2008.

The application has been amended as follows:

- Claim 1. Replace  
“ or the pharmaceutically acceptable salts, ~~and other pharmaceutically acceptable esters, amides, carbonates, carbonates, ureides, solvates, hydrates, affinity reagents and or~~ prodrugs thereof. ”  
with  
“or a pharmaceutically acceptable salt or prodrug thereof.”
- Claim 32. Cancel
- Claim 64. Replace “aryl” with “phenyl or naphthyl”
- Claim 73. a) Delete the 6 compounds on the first row  
b) Delete the leftmost 5 compounds on the second row  
c) Delete the 5 compounds on the last row  
d) Insert “and” between last and second to last compound on row 6
- Claim 76-90. Cancel

#### ***Reasons for Allowance***

5. The following is an examiner's statement of reasons for allowance. The compounds of Formula I are novel and non-obvious over the prior art. The closest reference is, for the example, the disclosure of Koradin et al. (eg. see compound 2k on pg. 1572) which does not anticipate the instantly claimed genus.

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6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUN JAE Y. LOEWE whose telephone number is (571)272-9074. The examiner can normally be reached on M-F 7:30-5:00 Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571)272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sun Jae Y. Loewe/  
10-30-2008

/Kamal A Saeed,/  
Primary Examiner, Art Unit 1626